IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 16684 of 2006(J)

ST.1336/2002 of J.M.F.C.-I, KOLLAM

.....

PETITIONER:

RAMANKUTTY NAIR, S/O.NARAYANAN NAIR,
"SHYLUM" - 30 ARADHANA NAGAR, KOLLAM.

BY ADV. SRI.T.M.CHANDRAN

RESPONDENTS:

THE ENFORCEMENT OFFICER,
EMPLOYEES PROVIDENT FUND OFFICE, KOLLAM.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16684 of 2006(J)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 – TRUE COPY OF SANCTION DATED 28/2/2002 ISSUED BY P.R.K. NAIR, REGIONAL PROVIDENT FUND COMMISSIONER, TRIVANDRUM.

EXT.P2 – PETITION DATED 7/6/06 ALONG WITH WITNESS LIST FILED BY THE ACCUSED.

EXT.P3 – TRUE COPY OF COMPLAINT FILED BY THE ACCUSED BEFORE C.U.M. COURT, KOLLAM.

EXT.P4 – TRUE COPY OF PETITION CMP 6471/05 DATED 15/6/06 FILED BY THE ACCUSED.

EXT.P5 – TRUE COPY OF PETITION CMP 6472/05 DATED 15/6/06 FILED BY THE ACCUSED.

EXT.P6 – TRUE COPY OF PETITION DATED 16/6/06 FOR CERTIFIED COPY.

EXTP.7 – TRUE COPY OF REPLY/OBJECTION DATED 4/4/05 ALONG WITH OFFICE ORDER FILED BY RESPONDENT.

EXT.P8 – TRUE COPY OF INTIMATION DATED 11/9/06 FILED BY PETITIONER.

RESPONDENTS' EXHIBITS:

EXT.R1(a) – TRUE COPY OF THE GAZETTE NOTIFICATION ISSUED BY THE GOVERNMENT OF INDIA DATED 1/11/93.

EXT.R1(b) – TRUE COPY OF THE SANCTION ORDER NO.KR/1223 A/Enf.II(2)2002 282/2/02.

//TRUE COPY//

R. BASANT, J.

W.P.(C) NO. 16684 OF 2006-J

Dated this the 27th day of February, 2007

JUDGMENT

Petitioner is the accused in 8 prosecutions - all pending before the Judicial First Class Magistrate's Court-I, Kollam. Trial has commenced. It has reached the stage of defence evidence. At this stage, the petitioner wanted to raise certain preliminary objections about the competence of the sanctioning authority to issue the order of sanction. He has rushed to this Court with the grievance that his petition to that effect – Ext.P4, has not been considered by the learned Magistrate.

2. I find no merit whatsoever in the plea raised. It is the summary trial procedure which is being followed. Plea has been recorded. At this stage, there is no option to consider the preliminary objection. The matter having reached the stage of defence evidence, it is certainly for the learned Magistrate to complete the proceedings expeditiously and consider the contention of the petitioner regarding absence of a proper order of sanction also along with other

contentions at the final stage. I find absolutely no merit in the insistence at this belated hour that Ext.P4 application must be disposed of prior to the final disposal of the case. I do not, in these circumstances, find any merit in the prayer made for a direction to dispose of Ext.P4 representation.

3. This writ petition is, in these circumstances, dismissed; but with the observation that the petitioner shall be at liberty to raise all his contentions including the contention raised in Ext.P4 that there is no proper and valid order of sanction along with other contentions at the time of final disposal of the case.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge